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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,709	10/30/2003	Rainer Grimm	60130-1945; 99MRA0224	8350

26096 7590 10/29/2004

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BIRMINGHAM, MI 48009

EXAMINER

CHENEVERT, PAUL A

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/697,709	GRIMM ET AL.	
	Examiner	Art Unit	
	Paul A. Chenevert	3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20040806</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. It appears that the Applicant inadvertently indicated that claim 9 is to be entered in the Response dated 06OCT04 as “(Original)” wherein it is actually edited on line 7, and thus should be reentered as “(Currently Amended)” in the next response.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6, 7, 9, 10, 13, & 14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Grimm et al (DE 199 46 008 A1). This prior art foreign patent has one inventor in common with the current application. This prior art foreign patent also was made available to the Examiner on 06AUG04 in the Applicant's Information Disclosure Statement (filed after the First Office Action on the Merits filed 08JUL04).

Claim Rejections - 35 USC § 103

4. Claims 2 & 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grimm et al. in view of obvious common knowledge.

Grimm et al. disclose the claimed invention except for the sheet pieces made of either aluminum or synthetic materials. It would have been obvious to one having ordinary skill in the

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art at the time the invention was made to use either aluminum or plastic, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious mechanical expedient choice. *In re Leshin*, 125 USPQ 416.

5. Claims 3, 8, 15, & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grimm et al. in view of obvious common knowledge.

As to the claim of embedded colors in plastic materials and placing variable colored sheets of material next to each other is deemed to be an obvious expedient as this aesthetic design works equally well in absence of evidence to the contrary.

6. Claims 4, 11, 12, & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grimm et al. in view of Wolf.

Grimm et al. disclose a vehicle body component (1) comprising: a first sheet piece (13); a second sheet piece (9); a synthetic foam layer (3); and a trim member (5).

However, Grimm et al. do not expressly disclose that the trim member is surrounded by a sealing member pinching the bent edges of the adjacent sheet pieces.

Wolf discloses two sheet pieces (16, 18) with adjacent bent edges (26, 28) joined together by a pinched sealing member (24) before being surrounded by a synthetic foam layer (22).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the vehicle body component of Grimm et al., to employ a sealing member, as taught by Wolf.

The suggestion/motivation for doing so would have been to better join the adjacent edges of the sheet pieces, as is desired in this vehicle invention.

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Therefore, it would have been a desirable and thus a prima facie obvious modification of the vehicle body component by combining a sealing member with the bent edges of the adjacent sheet pieces to obtain the invention as specified in claim 4, 11, & 18, as taught by the prior references' motivation, and not hindsight from the applicants disclosure.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant's U.S. Publication is entered.

8. Applicant's amendment and submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 06AUG04 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a) and 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Chenevert whose telephone number is 703-305-0837.

The examiner can normally be reached on Mon-Fri (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul A. Chenevert
Examiner
Art Unit 3612

PAC

PAC
27OCT04



10/23/04

D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600